

**AKIN & HERRON, P.A.**

ATTORNEYS AT LAW

ROGER A. AKIN

BRUCE C. HERRON

1500 SHALLCROSS AVENUE  
SUITE 1-A  
WILMINGTON, DELAWARE 19806

(302) 655-5552  
(302) 655-3697 FAX

Writer's Direct Dial  
(302) 427-6987

[www.rabhlaw.com](http://www.rabhlaw.com)

E-Mail  
[bch@rabhlaw.com](mailto:bch@rabhlaw.com)

May 16, 2007

**VIA ELECTRONIC FILING & FIRST CLASS MAIL**

Honorable Sue L. Robinson  
Chief Judge  
United States District Court  
844 King Street, Lockbox 31  
Wilmington, DE 19801

RE: David S. Yarnall v. Cpl. Anthony Mendez, Ptlm Lowe &  
PFC Buchert, et. al.  
C.A. NO.: 05-527-SLR  
C.A. NO.: 06-501-SLR  
C.A. NO.: 06-529-SLR

Dear Chief Judge Robinson:

Plaintiff filed a Motion for Summary Judgment on December 18, 2006 (D.I. 74). The Court's Scheduling Order (D.I. 85) provides that summary judgment Answering briefs shall be filed on or before May 18, 2007.

Defendants Ptlm Lowe and PFC Buchert moved for Summary Judgment on May 3, 2007 (D.I. 99) and filed an Opening Brief in Support thereof (D.I. 100). The State of Delaware filed a Motion for Summary Judgment on behalf of defendants Cpl. Anthony Mendez and Delaware State Police Troop 7 on May 3, 2007 (D.I. 98) and titled its Brief "Opening Brief in Support of its Motion for Summary Judgment and Answering Brief to Plaintiff's Motion for Summary Judgment." (D.I. 98.)

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In the interests of economy and efficiency, Ptlm Lowe and PFC Buchert request that the Court similarly consider the Opening Brief in Support of their Motion for Summary Judgment as their Answering Brief in Opposition to plaintiff's Motion.

Respectfully submitted,



Bruce C. Herron  
Attorney for Defendants  
Ptlm Lowe & PFC Buchert

BCH:tad

cc: United States District Court Clerk (via first class mail)  
David S. Yarnall(via first class mail)  
Michael W. Tupman, Deputy Attorney General (via electronic  
filing)

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